IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.133 of 2007

DATE OF ORDER: 15.1.2007

Mange Ram

...Petitioner(s)

Versus

Dalel

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Surender Saini, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 16.10.2006 passed by Additional Civil Judge(Sr.Divn.), Sonepat.

According to the petitioner-plaintiff, respondent did not file written statement in time. Then defendant-respondent had made an application under Order 8 Rule 1 CPC that defendant was debarred from filing the written statement. However, the Court without deciding that application had proceeded further and framed issues vide order dated 16.10.2006.

In view of the law laid down by Hon'ble Supreme Court reported in Shaikh Salim Haji Abdul Khayumsaub v. Kumar and Others,

(2006) 1 SCC, 46., provisions of Rule 8 Order 1 CPC are not mandatory and these are just directory. I do not find any merit.

Dismissed.

January 15, 2007 (M.M. AGGARWAL)
manoj JUDGE